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PATENT COUNSEL, LEGAL AFFAIRS DEPT.
P.O. BOX 450A
SANTA CLARA, CA 95054

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In re Application of :
Chiwoei Wayne Lo et al :
Application No. 10/826,018 : ON PETITION
Filed: April 15, 2004 :
Attorney Docket No. 6317P090D2 :
:

This is a decision on the petition under 37 CFR 1.137(b), filed May 31, 2005, to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

On June 28, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" ("6/28/04 Notice"), stating that the oath or declaration is missing.

On March 18, 2005, OIPE withdrawal the June 28, 2004 Notice and issued a corrected Notice. The Notice set a period for reply of two (2) months from the mail date of the corrected Notice.

On May 31, 2005, a signed declaration and the required surcharged were filed. The 2-month period for reply is extendable under 37 CFR 1.136(a). Therefore, applicants had until October 18, 2005 to submit the requested oath or declaration.

The fee transmittal filed with the instant petition contains a general clause authorizing the USPTO to charge to Deposit Account No. 02-2666 "any additional fee(s) ... 1.17, 1.18 and 1.20." Because of this general authorization, the reply period for the 03/18/05 Notice was extended to June 18, 2005. Consequently, the application did not become abandoned, rendering the petition to revive subject to dismissal as moot.

The \$1,500 petition fee has been credited to Deposit Account No. 02-2666. The \$120 extension-of-time fee has been charged to the same account.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 2881 for examination in due course.



Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy